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**Policy Name:** Child Protection

**Policy Number:** D-19

**Functional Area(s) Responsible:** Human Resources

**Owner(s) of Policy:** Human Resources

**Most Recent BOT Approval Date:** May 12, 2017

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### **Policy Statement:**

Finger Lakes Community College is committed to protecting the safety and well-being of children who participate in College-related programs and activities or utilize campus facilities for scheduled activities. The purpose of this policy is to protect the health, safety, and well-being of children on campus and children who participate in FLCC events, and to clarify FLCC's rules with respect to children and minors.

Adults who witness any maltreatment, physical or sexual abuse of a child occurring on College property, while off campus during official College business, or at College-sponsored events will report such conduct to local law enforcement and FLCC Campus Safety immediately. Adults should immediately report allegations they receive of maltreatment, physical or sexual abuse of a child occurring on College property, while off campus during official College business, or at College-sponsored events to the Office of Campus Safety, and complete and provide to the Office of Campus Safety a written report for each allegation. Other reporting requirements not addressed in this policy may apply, such as the obligations of mandated reporters under New York Social Services Law, who are required to report suspected maltreatment, physical or sexual abuse when they are presented with a reasonable cause to suspect such abuse or maltreatment has occurred.

### Children accompanied by parent, guardian or other responsible adult while on campus

*The following policy guidelines apply when children visit campus in order to participate in an event:*

Finger Lakes Community College sponsors a number of events in the performing arts, athletics, and other areas that are open to children. The College welcomes the presence of children on campus for these events. In order to ensure their safety, FLCC requires that the parent, legal guardian, or other adult responsible for each child comply with the following provisions:

- FLCC is not responsible for the supervision of any children who attend a campus event unless the event sponsor obtains a written agreement from the College stating that supervision by College staff will be provided. Otherwise, children must remain in the area of campus where the event is located.
- The adult responsible for the child is also responsible for the child's behavior and actions and for any damage caused by the child.

*The following policy guideline applies when it is necessary for children to accompany their parents who are FLCC students to the College premises:*

- Children on campus are to remain in the direct supervision of a parent/guardian. College employees who are concerned about an unsupervised child on campus may detain the child and contact the Office of Campus Safety. In that event, the Office of Campus Safety will contact the child's parent/guardian immediately.

#### Sponsored Programs, "Covered Activities"

Throughout the calendar year, FLCC sponsors a number of programs specifically designed for children, such as summer camps, and fine arts programs. The College requires that children in these programs be appropriately supervised by adults with the proper training and credentials. FLCC employees who have direct interaction with children participating in sponsored programs are subject to a search of the NY Sex Offender Registry and the National Sex Offender Registry as outlined in the accompanying procedures.

Within 90 days of the planned event, adults who will be participating in Covered Activities, whether FLCC employees, program staff of sponsored programs, or program staff of external groups (including student workers and volunteers), will have a review conducted through a search of the NY Sex Offender Registry and the National Sex Offender Public Registry. See the definition section of this policy for specific information related to each of these searches.

Records of the results of the searches will be maintained for six years after the event. Note that a statement that an internet search was completed will not meet the requirements of this policy; printed evidence of the registry search is required.

Each program has specific operating protocols related to its nature and purpose, but all programs are expected to comply with the safety practices in this policy. Failure to follow these practices should be reported immediately to the FLCC employee supervising the event.

- All program staff (paid and volunteer, including FLCC student workers) must receive training with respect to working with children.
- The FLCC employee supervising the event should determine the appropriate ratio of staff to children and follow that ratio. In all cases, any ratios mandated by law must be followed.
- Program staff must inform another staff member when they are taking children out of the program room or area for any reason.
- Except in emergency or other exigent circumstances, no child should ever be left alone with a staff member. It is a best practice for programs to use and enforce the "rule of three," requiring at least two program adults or two children in each group at all times.
- Children in any program must remain in the area where the program is being held.
- Only employees working in the program may only take photographs of children in the program for program-related purposes, and only after the child's parent or legal guardian has signed a College-provided waiver allowing the photograph.

The Director of Human Resources may grant exceptions, in writing, to particular safety practices in limited circumstances based on the written request of the FLCC employee supervising the event. Sex Offender registry searches may not be waived.

#### Programs and Events Sponsored by Other Entities

FLCC may allow outside individuals and entities to rent College facilities for programs/events specifically designed for or including children, such as award programs, athletic activities, dinners and academic programs. The FLCC liaison to the external group will ensure that the external group is provided with a copy of this policy and will work with these entities to assist them in complying with all aspects of the policy.

## Programs and Trips Off-Campus

Through FLCC service learning, community service, internships, student teaching and other programs, faculty, staff, and students are engaged in many off-campus activities involving children. Students, faculty and staff may take their own child(ren) on college-sponsored trips, with the approval of the employee coordinating the activity, and in that case they are fully responsible for the safety of their own children.

## Employment of Minors

Occasionally, FLCC may hire a minor to fill an employment position or a student worker position. The Human Resources Office or Student Employment Program through our Financial Aid Office must authorize the hiring of any minor. FLCC will comply with applicable law with respect to the employment of minors. In the event that a minor is hired by FLCC, the Human Resources Office or the Student Employment Program through the Financial Aid Office will inform the supervisor that the employee is under age seventeen and will help determine whether any particular steps are necessary because of the employee's age. Minors may not be assigned to work alone or unsupervised without written approval of the Human Resources Director.

## RESPONSIBLE COLLEGE OFFICIAL

A Responsible College Official shall:

- Confirm that the requirements of this policy have been communicated to Covered Persons prior to the commencement of a Covered Activity.
- Confirm that New York Sex Offender Registry and National Sex Offender Public Registry searches have been obtained and reviewed for Covered Persons prior to the commencement of a Covered Activity.
- Immediately report allegations of physical abuse or sexual abuse of a child to the Office of Campus Safety, and complete and provide to the Office of Campus Safety a written report for each allegation of physical abuse or sexual abuse of a child. Other reporting requirements not addressed in this policy may apply, such as the obligations of mandated reporters under New York Social Services Law, who are required to report suspected child abuse or maltreatment when they are presented with a reasonable cause to suspect such abuse or maltreatment has occurred.
- Notify and coordinate with appropriate campus offices to ensure that allegations of suspected physical abuse or sexual abuse are investigated and addressed appropriately.
- Confirm that required training on this policy has occurred prior to the commencement of a Covered Activity for all Covered Persons who are employees, volunteers, students or agents of the Finger Lakes Community College-affiliated organization.

## PROHIBITED CONDUCT

A Covered Person participating in a covered activity shall not:

- Be alone with a child, unless the Covered Person is a relative or guardian of the child.
- Engage in physical abuse or sexual abuse of a child.
- Engage in the use of alcohol or illegal drugs, or be under the influence of alcohol or illegal drugs during Covered Activities.
- Enable, facilitate or fail to address a child's use of alcohol or illegal/non-prescribed drugs.
- Contact a child through electronic media, including social media, for the purpose of engaging in any prohibited conduct, including sexual conduct.
- Offer or make a gift to a child for the purpose of engaging in any prohibited conduct, including sexual conduct.
- Release a child from a Covered Activity without a written authorization from the child's parent or guardian.

In no event shall a Covered Person who is not a relative or guardian of a child be alone with the child in any location, including but not limited to in a restroom, locker room, shower, sleeping area or vehicle.

## REQUIRED CONDUCT

A Covered Person participating in a covered activity shall:

- Take all reasonable measures to prevent physical and sexual abuse of a child, including immediately removing a child from potential physical abuse, sexual abuse or prohibited conduct as defined herein.
- Report immediately any observed physical abuse or sexual abuse of a child to local law enforcement and the Office of Campus Safety, and provide to the Office of Campus Safety a written report of observed physical or sexual abuse of a child. Immediately report allegations of physical abuse or sexual abuse of a child to the Office of Campus Safety, and complete and provide to the Office of Campus Safety a written report for each allegation of physical abuse or sexual abuse of a child. Other reporting requirements not addressed in this policy may apply, such as the obligations of mandated reporters under New York Social Services Law, who are required to report suspected child abuse or maltreatment when they are presented with a reasonable cause to suspect such abuse or maltreatment has occurred.
- Complete all required training developed pursuant to this policy.
- Wear and display prominently at all times during the Covered Activity a form of identification that identifies the individual as an FLCC employee or as an employee of an FLCC affiliated organization.

## RETALIATION

Retaliatory action against anyone acting in good faith who has reported alleged physical abuse or sexual abuse in accordance with this Policy, or who has been involved in investigating or responding to allegations of physical or sexual abuse, or who has reported a failure to comply with this Policy, is a violation of this Policy. Retaliatory acts may include, but are not limited to:

- employment actions affecting salary, promotion, job duties, work schedules and/or work locations
- actions negatively impacting a student's academic record or progress.
- any action affecting the campus environment, including harassment and intimidation.

## **Reason(s) for Policy:**

The purpose of this policy is to protect the health, safety, and well-being of children on campus and children who participate in FLCC events, and to clarify FLCC's rules with respect to children and minors.

## **Applicability of Policy:**

This policy applies to all students, faculty, and staff of FLCC; campus visitors; and individuals or organizations engaging in or conducting activities associated with FLCC and/or doing business at or with FLCC.

This policy is not applicable to the on-campus childcare center, which operates under the Child Protection Policy of the FLCC Association. This policy does not apply to minors who are enrolled in FLCC courses.

## **Definitions:**

Covered Activity: A program or activity sponsored or approved by the College or a College-affiliated organization, or an activity conducted by a vendor, licensee or permittee for which a license or permit for use of College facilities has been approved, occurring on or off campus, for the duration of which the responsibility for custody, control and supervision of children is vested in the College, College-affiliated organization or the vendor, licensee or permittee so approved.

Covered Person: A person who is responsible for the custody, control or supervision of children participating in the Covered Activity and who is:

- an employee of the College or College-affiliated organization
- a Finger Lakes Community College student
- a volunteer of the College or College-affiliated organization
- a vendor, licensee, permittee or other person, who is given permission to come onto campus or to use College facilities for Covered Activities or an employee, agent or volunteer thereof

Child: An individual under the age of seventeen years who is participating in a Covered Activity. The term “child” shall not include a student enrolled in courses at the College or a student accepted for matriculation.

Children’s Camp: A camp defined under New York Public Health Law §1392.

Maltreatment: Maltreatment occurs when a parent or other person legally responsible for the care of a child harms a child, or places a child in imminent danger of harm by failing to exercise the minimum degree of care in providing the child with any of the following: food, clothing, shelter, education or medical care when financially able to do so. Maltreatment can also result from abandonment of a child or from not providing adequate supervision for the child. Further, a child may be maltreated if a parent engages in excessive use of drugs or alcohol such that it interferes with their ability to adequately supervise the child.

Physical Abuse: Physical contact with a child by a covered person which is intended to cause, or causes, pain or physical injury, including punching, beating, shaking, throwing, kicking, biting and burning, or directing a child, outside the norm of the supervised activity, to perform physical activity which is intended to cause physical injury.

Sexual Abuse: Engaging in a sexual offense with a child and/or encouraging or promoting sexual performance by a child. Pursuant to the NYS Penal Law Articles 130, 63, and Sections 260.10 and 260.25, sexual offenses include: sexual misconduct, rape, criminal sex acts, forcible touching, persistent sexual abuse, sexual abuse, aggravated sexual abuse, course of sexual conduct against a child, facilitating a sex offense with a controlled substance, sexually motivated felony, predatory sexual assault against a child, and sexual performance by a child. This also includes Penal Law offenses relating to children including endangering the welfare of a child and unlawfully dealing with a child in the first degree. Sexual performance by a child, as defined by the Penal Law, is any behavior which results in touching of the sexual or other intimate parts of a child for the purpose of sexual gratification of the child and/or adult, including touching by the child and/or adult with or without clothing, and all acts as defined by New York State Penal Law Articles 130, 263 and Section 260.10.

Responsible College Official: The employee of the College or College-affiliated organization who has been designated as the employee supervising the covered event.

College-affiliated organization: The FLCC Foundation, FLCC Association, FLCC Student Corporation, or any other entity so designated by the College President.

Search of the NY Sex Offender Registry: A search of the file of persons required to register pursuant to Article 6-C of the Correction Law maintained by the NY Division of Criminal Justice Services pursuant to NY Correction Law §168-b for every level of sex offender (Level 1 through Level 3), which requires an email, CD or hard copy submission of names and identifiers to DCJS as described on the DCJS website [url: [http://www.criminaljustice.ny.gov/nsor/800info\\_cdsubmit.htm](http://www.criminaljustice.ny.gov/nsor/800info_cdsubmit.htm)].

Search of the National Sex Offender Public Registry: A search by first and last name of the National Sex Offender Public Website maintained by the United States Department of Justice at this link: <http://www.nsopw.gov/>

The policy requires the retention of the records of the results of such a search for six years after the event. Note that an internet search alone will not meet the requirements of this policy, as written documentation is required.

#### **Related Documents:**

- New York Public Health Law §1392
- NYS Penal Law Articles 130, 263, and Sections 260.10 and 260.25
- Article 6-C of the Correction Law
- NY Correction Law §168-b

#### **Procedures:**

##### **Non-covered events**

##### General public visitors to campus for cultural, sporting events, etcetera

For a non-covered event sponsored by the college or by an external group using college facilities, an effort should be made via programs, signage and/or announcements that adults who bring children under 17 on campus are responsible for the children's safety and the children's actions at all times.

Group visits to college facilities with advanced preparations (Early College Awareness, Campus Tours, Muller school visits, etcetera) The college will inform the visiting organization of the Child Protection Policy and submit a copy to the visiting organization. The college will request a written acknowledgment from the external group that the college will not have custody, control, or supervision of visiting children under 17 years.

##### **Use of college facilities by external groups**

After an external group contract to use a college facility, the FLCC office coordinating the event will make the external group aware of the Child Protection Policy and inquire whether children and families will be present.

If children and/or families are likely to be present, the FLCC office coordinating the event will determine if the event is a covered activity, in which and an agent of the external group would have custody, control and supervision of children under age 17, the FLCC office coordinating the event will:

- Provide a copy of the Child Protection Policy to the external group
- Advise the external group in writing of the need to conduct a search of the New York Sex Offender Registry and the National Sex Offender Public Registry within 90 days of an event.
- Direct the external group in writing to the American Camp Association standards for the appropriate ratio of adults to children.
- Secure a written statement from the external group acknowledging receipt of the policy, the likely age range of children involved, and the requirement to conduct the registry search. [Form CPP2]
- The FLCC office coordinating the event will convey an external group's requests for exceptions to the director of human resources and relay the response.

##### **College sponsored events**

Departments sponsoring events must report whether the event is likely to draw families and children under age 17 when they make facility use arrangements by using the College's Facility Use Form.

The department or office organizing the event will consult with the College's Human Resources Compliance Coordinator to determine if the event is a covered activity, in which an employee, student or volunteer acting on behalf of the college would have custody, control and supervision of children under age 17.

If the event is a covered event, the responsible college official must work with the College's Human Resources Compliance Coordinator to:

- Conduct or arrange for the search of the New York Sex Offender Registry and the National Sex Offender Public Registry for the covered person within 90 days of the event.
- A written record of the search should include the name, address, and date of birth of the covered person, the name of the staff member who conducted the search, the date of the search, result of the search, date of the event, and age range of children likely to be present. The written record will be kept in the Human Resources Office for six years.
- Check the American Camp Association standards for the appropriate ratio of adults to children.
- Check that any covered persons have the required training for custody, supervision or control of children under 17.
- Arrange for training through Human Resources for any Covered Persons who lack required training.

#### Training of college employees, students or volunteers who will be covered persons

The Human Resources Office will provide the Responsible College Official the training that specifically outlines prohibited and required conduct and the definitions of physical and sexual abuse. The Responsible College Official will ensure Covered Person receive the training and forward the certification to the Human Resources Office. This office will maintain a record of covered persons who have received training and the date of the training.

#### Employment of students under 17

Occasionally, FLCC may hire a minor to fill an employment position or a student work position. The Human Resources Office or Student Employment Program through our Financial Aid Office must authorize the hiring of any minor. FLCC will comply with applicable law with respect to the employment of minors. In the event that a minor is hired by FLCC, the Human Resources Office or the Student Employment Program through the Financial Aid Office will inform the supervisor that the employee is under age seventeen and will help determine whether any particular steps are necessary because of the employee's age. Minors may not be assigned to work alone or unsupervised without written approval of the Human Resources Director.

#### **Forms/Online Processes:**

- NY Sex Offender Public Registry
- National Sex Offender Public Registry

**Appendix:**

Form CPP2

**FORM CPP2: Acknowledgement of FLCC Child Protection Policy D19**  
*To be completed and returned to HR prior to event*

**Acknowledgement of FLCC Child Protection Policy D19**

Third Party organizations using College facilities to host events or activities that include children must conduct themselves appropriately in the presence of children, be aware of, and abide by FLCC's Child Protection Policy.

(Visiting groups intending to bring children under age 17 to FLCC campuses must check the first three boxes below and submit your completed form to the College in order to comply with the FLCC Child Protection Policy.)

- I acknowledge that I have received a copy of Finger Lakes Community College Child Protection Policy D-19 and I agree to abide by all Conduct Requirements and stipulations included within, including requiring that actual and suspected physical abuse and sexual abuse of a child be reported immediately to the Office of Campus Safety at 585-785-1501.
- All employees and volunteers (and any employees/volunteers of sub-permittees) related to this activity have been subject to a search (i) of the NYS Sex Offender Registry and (ii) of the National Sex Offender Registry within 90 days prior to the activity and I have retained the records of these searches.
- I understand that the College will not have custody, control or supervision of visiting children.
- Check this box instead if there will be no children participating in or present at the event.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name Legibly: \_\_\_\_\_

Organization: \_\_\_\_\_

Responsible FLCC Official: \_\_\_\_\_

Date of Event: \_\_\_\_\_

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Return to: FLCC Human Resources

PHONE: 585-785-1428

FAX: 585- 394-5928

EMAIL: [humanresources@flcc.edu](mailto:humanresources@flcc.edu)

MAIL: 3325 Marvin Sands Drive, Canandaigua, NY 14424